

18

Re: [Fwd: [Fwd: Rosenthal Case]]

Subject: Re: [Fwd: [Fwd: Rosenthal Case]]
From: tcooley@stern.nyu.edu
Date: Tue, 17 Apr 2007 22:35:10 +0000
To: Kim Corfman <kcorfman@stern.nyu.edu>
CC: Gary Fraser <gfraser@stern.nyu.edu>

I agree with this.

Tom
Sent from my BlackBerry® wireless handheld

-----Original Message-----
From: Kim Corfman <kcorfman@stern.nyu.edu>
Date: Tue, 17 Apr 2007 17:35:25
To: Thomas Cooley <tcooley@stern.nyu.edu>
Cc: Gary Fraser <gfraser@stern.nyu.edu>
Subject: Re: [Fwd: [Fwd: Rosenthal Case]]

Gary,

I just spoke with Tom C. and it is my understand that he'd like the following to be conveyed to the students. He will let you know directly if I misunderstood.

- * The NYU Office of Legal Counsel has the official word on matters of jurisdiction. If Lee Chamberlin says there is reason to believe harm was done to the University (in this case, to the University's reputation) through Rosenthal's actions, our judiciary process has jurisdiction.
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- * A judiciary process may only rule on behavior that has occurred and the impact of that behavior on the University. Therefore, they should only recommend withholding the degree if they believe the offense warrants that particular punishment. A judiciary process may not recommend withholding the degree because they don't want the damage to be greater.
- * If the Committee feels that withholding the degree does not fit the offense, other penalties might be imposed (e.g., a notation of sanction on the transcript, a requirement that he take ethics instruction, delaying the degree, etc.).
- * If the judiciary process does not result in a recommendation satisfactory to the School, an administrative process can be invoked.

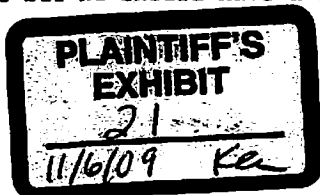
Kim

Thomas Cooley wrote: Kim and Gary,

I don't agree with this. Points 3 and 4 don't make complete sense to me and it is not consistent with the discussion I had with Lee Chamberlin. Our judiciary committee should not be asked to assess the amount of damage that has occurred. They don't have the facts or the expertise to determine that. The issue is does it put the school and its reputation at risk and is that risk significant. That question they can assess.

They can also assess whether Mr. Rosenthals actions are consistent with the Stern Code of Conduct which says "Students are expected in all of their actions to reflect personal honesty, integrity and respect for others. I know what I would conclude but he should have a chance to defend himself.

Tom



Re: [Fwd: [Fwd: Rosenthal Case]]

Kim Corfman wrote: The latest.

----- Original Message -----

Subject: [Fwd: Rosenthal Case]

Date: Tue, 17 Apr 2007 13:15:48 -0400

From: Kim Corfman <kcorfman@stern.nyu.edu>; <mailto:kcorfman@stern.nyu.edu>

Reply-To: kcorfman@stern.nyu.edu; <mailto:kcorfman@stern.nyu.edu>

Organization: NYU Stern

To: Gary Fraser <gfraser@stern.nyu.edu>; <mailto:gfraser@stern.nyu.edu>

CC: Tom Grace <thomas.grace@nyu.edu>; <mailto:thomas.grace@nyu.edu>, Lee Chamberlin <leona.chamberlin@nyu.edu>; <mailto:leona.chamberlin@nyu.edu>

Hi Gary,

I just had a long conversation with Tom Grace and I think I have a clearer picture of the situation and our options. (I'm copying Tom, so he can correct me if I'm wrong.)

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Gary, would you please make sure the Judiciary Committee understands all this?

Thanks,
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Here are three pertinent sections from the Students Guide to NYU from Tom:

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http://www.nyu.edu/students.guide/policies/student_discipline.pdf

A. All members of the University Community - students, faculty members, and members of the staff - shall comply with city, state, and federal laws and ordinances affecting the maintenance of order on University premises. Students who engage in behavior that violates these standards will be subject to the disciplinary process in the following manner:

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The University should not use its powers to interfere with the rights of a student outside the University campus. In general, a student's off-campus activities should be subject only to sanctions of the public authorities. Where a student is convicted of a violation of law, he should not be subject to University discipline for the same offense unless his conduct seriously affects his position as a member of the academic community.

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3) From Page 227 - Resolution of Questions of Jurisdiction in Any Particular Case

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From: Kim Corfman <kcorfman@stern.nyu.edu>; <mailto:kcorfman@stern.nyu.edu>

Reply-To: kcorfman@stern.nyu.edu; <mailto:kcorfman@stern.nyu.edu>

Organization: NYU Stern

To: Lee Chamberlin <leona.chamberlin@nyu.edu>;

Re: [Fwd: [Fwd: Rosenthal Case]]

<mailto:leona.chamberlin@nyu.edu>, Tom Grace <thomas.grace@nyu.edu>;
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Dear Lee and Tom, We need your help with this. Tom, you provided very helpful guidance, which Gary passed along to the Stern Judiciary Committee. As I understand it, your explanation is that off-campus incidents are only subject to University disciplinary action when there is a direct effect on the University, including damage to the University's relationship with an involved external party. Lee, Tom, Cooley's perspective, based on his conversations with you, is that [REDACTED]

[REDACTED]

At this point, the Judiciary Committee is leaning against taking the case because they feel no Stern or NYU rule applies. However, they haven't heard Tom Cooley's interpretation. It would be tremendously helpful to us and to the process if you would help us reconcile these perspectives. Many thanks, Kim -- Kim P. Corfman Vice Dean for MBA Programs Professor of Marketing Stern School of Business, New York University Henry Kaufman Management Center, 11-56 New York, NY 10012-1126 212-998-0593, 212-995-4212 (fax)

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-- ***** Thomas F. Cooley

tcooley@stern.nyu.edu: <mailto:tcooley@stern.nyu.edu> Office of
 the Dean <http://www.stern.nyu.edu/~tcooley>:
 <<http://www.stern.nyu.edu/~tcooley>> Stern School of Business New York University
 44 West Fourth St., Suite 11-58 New York, NY 10012-1126 (212) 998-0870 (212)
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Reply-To: kcorfman@stern.nyu.edu

Organization: NYU Stern

To: Lee Chamberlin <leona.chamberlin@nyu.edu>, Tom Grace

<thomas.grace@nyu.edu>

CC: Gary Fraser <gfraser@stern.nyu.edu>

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Lee, Tom Cooley's perspective, based on his conversations with you, is that Rosenthal's behavior falls within the domain outlined by Tom Grace. The student's behavior damages the School's relationship with the public, including recruiters and potential applicant (and has the potential to do even more damage if we grant the degree) because it affects our reputation. We are less credible as an institution that values integrity and ethical behavior in ourselves and our students if we give him an MBA degree.

Re: [Fwd: [Fwd: Rosenthal Case]]

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It would be tremendously helpful to us and to the process if you would help us reconcile these perspectives.

Many thanks,
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Thomas F. Cooley
tcooley@stern.nyu.edu
Office of the Dean
<http://www.stern.nyu.edu/~tcooley>
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44 West Fourth St., Suite 11-58
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Re: [Fwd: [Fwd: Rosenthal Case]]

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19

DEC-22-2009 10:25 AM 38054

38054 P.005/012

Colvin, Tim

From: Tim Colvin [tim.colvin@gmail.com]
 Sent: Tuesday, December 22, 2009 10:25 AM
 To: Colvin, Tim
 Subject: Fwd: Follow Up to Thursday's Meeting

----- Forwarded message -----
 From: Tim Colvin <tim.colvin@gmail.com>
 Date: Sat, 21 Apr 2007 11:57:57 -0400
 Subject: RE: Follow Up to Thursday's Meeting
 To: Amy Margolis <am2474@stern.nyu.edu>

Thanks!

From: Amy Margolis [mailto:am2474@stern.nyu.edu]
 Sent: Saturday, April 21, 2007 9:29 AM
 To: Gary Fraser
 Cc: tim.colvin@stern.nyu.edu
 Subject: Follow Up to Thursday's Meeting

Hi Gary,

Tim and I have reviewed the Stern Honor Code/Code of Conduct and are still not 100% sure as to whether the Rosenthal case is something we should take on. We're still feeling that this is not within our jurisdiction, but think it best to wait and hear what Lee from Legal has to say.

On another note, here is a list of professors we would like to recommend for potential Committee members:

- * David Yermack (JD / MBA professor)
- * George Smith
- * Lawrence White (did a case with us in the fall)
- * Walter Ingo (Professional Responsibility)
- * Sarah Chiles (Program Director for the Berkley Center & Stern Alumni)

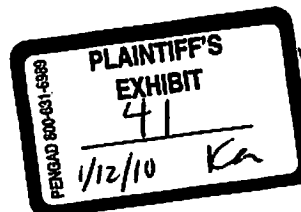
Please do keep us posted on the case or any other developments. In the meantime, have a great weekend!

Amy

Amy Margolis
 MBA Candidate 2007
 NYU Stern School of Business
 Mobile: 610-608-1442
 Email: am2474@stern.nyu.edu

Sent from my mobile device

1



VIN090001

20

38054 P.006/012

Colvin, Tim

From: Tim Colvin [tim.colvin@gmail.com]
 Sent: Tuesday, December 22, 2004 10:26 AM
 To: Colvin, Tim
 Subject: Fwd: FW: [Fwd: Rosenthal Case]

----- Forwarded message -----
 From: Tim Colvin <tim.colvin@gmail.com>
 Date: Wed, 9 May 2007 11:59:26 -0400
 Subject: FW: [Fwd: Rosenthal Case]
 To: Melchior Ochoa <mel.ochoa@stern.nyu.edu>

When we talk, this is the email thread we need to talk about.

The case we're being asked to look at was a student who has already finished his coursework, but has not been given a diploma. He was accused of insider trading, and pled guilty. I think the school does not want to give him a diploma.

They would like us to look into it and make a recommendation. At first, Amy and I did not want to investigate it, so we pushed back, because it did not seem like it fell under our area of responsibility. Recently, however, it has become more clear that NYU legal wants us to look at it. So I think we have to. Whatever we decide, the final decision won't be ours, it will be Dean Cooley's or someone else's.

Dean Fraser was hoping we could talk to the student within the next few weeks, and that we could pick a random date (say June 5th, when I will be in town), and ask a bunch of people to get together on that date for a hearing. And we would set up a conference call line on a speakerphone, in case people couldn't be there in person.

Anyway, the whole thing sounds complicated to me, which is why we should talk about it.

Tim

-----Original Message-----
 From: Gary Fraser [mailto:gfraser@stern.nyu.edu]
 Sent: Monday, May 07, 2007 5:00 PM
 To: Lee Chamberlin
 Cc: kcorfman@stern.nyu.edu; Tom Grace; Tim Colvin
 Subject: Re: [Fwd: Rosenthal Case]

Hi Lee,
 I spoke with the NYU Stern Judicial Committee today and I wanted to confirm your stance on this issue for them. Could you provide a response at your earliest convenience? Best, Gary
 PS I have co'd the outgoing chair of the MBA Judiciary Committee, Tim Colvin.

Thomas Grace wrote:

> Kim and Gary,
 >
 > As I indicated to Kim, these are my opinions/thoughts on the matter.
 > "However, any "formal" decision/advice absolutely should come from Lee
 > Chamberlin who should be consulted before proceeding.

>
 > *Tom
 >
 >
 >

> At 01:15 PM 4/17/2007, Kim Corfman wrote:

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 >>

COLVIN000002



38054

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>> telephoned and mailed to each student who is the subject of the same
>> or a similar complaint as the one in which the question of
>> jurisdiction has been raised, to the Dean of the faculty of each
>> school in which any such student is enrolled and to the Chairman of
>> the University Judicial Board (hereinafter defined).

>> 3. If either a student who is the subject of a complaint, or the Dean
>> or Chairman of the Disciplinary Committee of a faculty in which such
>> student is enrolled, or the Chairman of the University Judicial Board
>> disagrees with the decision rendered by the Office of Legal Counsel,
>> such person shall have the right to appeal the decision to the
>> Committee on Organization and Governance of the University Senate.

>> 4. The Office of the Secretary of the Senate must receive notice of
>> such appeal no later than three days after the initial decision of
>> the Office of Legal Counsel has been communicated to the person
>> taking the appeal. In cases in which the student has been temporarily
>> suspended or dismissed pending disciplinary proceedings, such notice
>> of appeal must be received within eight hours.

>> ----- Original Message -----

>> Subject: Rosenthal Case
>> Date: Tue, 17 Apr 2007 08:57:15 -0400
>> From: Kim Corfman <kcorfman@stern.nyu.edu>
>> <mailto:kcorfman@stern.nyu.edu>
>> Reply-To: kcorfman@stern.nyu.edu <mailto:kcorfman@stern.nyu.edu>
>> Organization: NYU Stern
>> To: Lee Chamberlin <leona.chamberlin@nyu.edu>
>> <mailto:leona.chamberlin@nyu.edu>, Tom Grace <thomas.grace@nyu.edu>
>> <mailto:thomas.grace@nyu.edu>
>> CC: Gary Fraser <gfraser@stern.nyu.edu>

DEC-22-2009

REDACTED COPY

>> <mailto:gfraser@stern.nyu.edu>

>> Dear Lee and Tom,

>> We need your help with this.

>> Tom, you provided very helpful guidance, which Gary passed along to
>> the Stern Judiciary Committee. As I understand it, your explanation
>> is that off-campus incidents are only subject to University
>> disciplinary action when there is a direct effect on the University,
>> including damage to the University's relationship with an involved
>> external party.

>> Les, Tom Cooley's perspective, based on his conversations with you, is
>> that

[REDACTED]

>> At this point, the Judiciary Committee is leaning against taking the
>> case because they feel no Stern or NYU rule applies. However, they
>> haven't heard Tom Cooley's interpretation.

>> It would be tremendously helpful to us and to the process if you would
>> help us reconcile these perspectives.

>> Many thanks,
>> Kim

>> --
>> Kim P. Corfman
>> Vice Dean for MBA Programs
>> Professor of Marketing
>> Stern School of Business, New York University Henry Kaufman Management
>> Center, 11-56 New York, NY 10012-1126 212-998-0593, 212-995-4212
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Gary Fraser/
/Dean of Students
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DEC-22-2009 10:35

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Sent from my mobile device

Tim Colvin, +1 347-596-3626